

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

RODNEY G. SHEPARD,

Plaintiff

VS.

IRA EDWARDS, JR., *et al.*,

Defendants

NO. 3:05-CV-111 (CDL)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE**

RECOMMENDATION OF DISMISSAL

On September 1, 2006, the defendants submitted a MOTION TO DISMISS the above-styled case for the plaintiff's failure to prosecute his action. Tab #32. Thereafter, on September 5, 2006, the undersigned issued an order directing plaintiff RODNEY G. SHEPARD to respond to the defendants' motion, in which the plaintiff was made aware of the fact that he had a right to respond to the motion and that his failure to respond would result in the court finding the defendants' motion uncontested. Tab #34. The plaintiff has failed to respond within the time allotted in this court's September 5th order; in fact, that order was returned to the court as undeliverable on September 19th.

Accordingly, IT IS RECOMMENDED that the defendants' MOTION TO DISMISS (Tab #32) be GRANTED as UNCONTESTED. Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO RECOMMENDED, this 29th day of SEPTEMBER, 2006.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr."

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE